

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES T. FLEMING,

Petitioner,

v.

PAT GLEBE,

Respondent.

Case No. C10-5213RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Petitioner's Motion to Proceed *In Forma Pauperis* on Appeal [Dkt. #19]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Petitioner's Motion fails for two reasons: one, the Motion does not indicate what issue or issues the Petitioner plans to present on appeal and is thereby not in conformity with Fed. R. App. P. 24 (a)(1)(C); and, two, the Court previously determined that the Petitioner's appeal lacks merit when the Court denied a certificate of appealability under 28 U.S.C. § 2253(c)(2). Therefore,

Petitioner's Motion to Proceed *In Forma Pauperis* on Appeal [Dkt. #19] is **DENIED**.

IT IS SO ORDERED.

1 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party
2 appearing pro se.

3 Dated this 7th day of September, 2010.

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5 RONALD B. LEIGHTON
6 UNITED STATES DISTRICT JUDGE
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